



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,782	01/17/2001	Glenn McGarry	2785.100	7173

5514 7590 02/01/2005

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BORLINGHAUS, JASON M

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,782

Applicant(s)

MCGARRY ET AL.

Examiner

Jason M. Borlinghaus

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/17/01 & 10/15/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2 and 4 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Corby (US Patent 6,418,417).

Regarding Claims 1 and 5, Corby discloses a trade capture system comprising:

- a first computer (external users – see figure 1, 114a, 114n) having an interface for capturing/transmitting executed trade data/electronic trade tickets (enter inputs). (“The external workstations allow client-users (traders) of the weather trading organization to remotely access and use the trading system.” – see col. 8, lines 4 - 8). (“The workstations provide a graphical user interface for users to enter a series of inputs and receive information (i.e., output) concerning a financial instrument” – see abstract). It would be inherent in the system disclosed by Corby that the first computer would capture/transmit executed trade data/electronic trade tickets in order for the system of online trading to function;
- a second computer (trading server – see figure 1, 102) for accepting/receiving the captured trade data/electronic trade tickets (inputs) and performing middle

and back office processing on the same. ("The trading server provides the central processing of the system by applying a pricing model, and is responsive to a plurality of internal and external workstations that allow users, via a graphical user interface, to access the trading system." – see col. 3, lines 23 - 27); and

- a communication channel (Internet – see figure 1, 103) for communicating the captured trade data/electronic trade tickets (input) between the first (workstation) and second computers (trading.server). ("In an embodiment of the present invention, a weather trading organization may provide a brokerage desk that facilitates weather derivative trades for clients as well as providing an interactive World-Wide Web site accessible via the global Internet for a future weather index, pricing model, and trade execution services." – see col. 7, lines 2 - 8).

Regarding Claim 2, Corby discloses a system wherein the first computer (workstation) is a client (client-users) computer. ("The external workstations allow client-users (traders) of the weather trading organization to remotely access and use the trading system." – see col. 8, lines 4 - 8).

Regarding Claim 4, Corby discloses a system wherein the communication channel is the Internet, and the interface is a browser. ("In an embodiment of the present invention, a weather trading organization may provide a brokerage desk that facilitates weather derivative trades for clients as well as providing an interactive World-Wide Web site accessible via the global Internet for a future weather index, pricing model, and trade execution services." – see col. 7, lines 2 - 8). ("As is well-known in the relevant art(s), a Web server is a server process running at a Web site which sends out

Art Unit: 3628

web pages in response to Hypertext Transfer Protocol (HTTP) requests from remote browsers. The Web server 110 serves as the "front end" of the present invention. That is, the Web server 110 provides the graphical user interface (GUI) to users of the trading system 100 in the form of Web pages." – see col. 7, lines 2 – 8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corby (US Patent 6,418,417).

While Corby does not teach a system wherein the second computer (trading server) is an investment bank computer, it is common and well-known in the art that such a second computer (trading server) would be an investment bank computer.

Conclusion

Art Unit: 3628

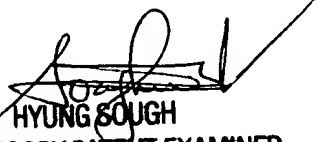
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited to May (US Patent Pub. 2002/0002530), Sandhu (US Patent Pub. 2003/0033212), Millard (US Patent Pub. 2002/0007335), Lange (US Patent Pub. 2002/0099640), Potter (US Patent Pub. 5,787,402), Hawkins (US Patent 6,247,000), Belzberg (US Patent 6,134,535), Traders Find Ease, Economy and Choice Online: Stock Business Growing On Net (David Iller Special to The Denver Post's Your Money's Worth, Denver Post, (March 15, 1998), p. 08), Cyber Street (Anonymous. Wall Street & Technology, (May 1997), vol. 15, issue 5, pp. 24 – 25), and Product Spotlight: QV Debuts Order Management Via Internet (Ivy Schmerken. Wall Street & Technology, (April 1998), vol. 16, issue 4, pp.74 – 75) are considered to be relevant to the claimed invention due their reference to online trading of financial instruments over the Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (703) 308-9552. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3618